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PTO/SB/05 (12/97)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Attorney Docket No.		X12383N
First Named Inventor or Application Identifier		
Hoffmann, James A., Lu, Jirong		
Express Mail Label No.		
EM564070246US		

(Only) for new nonprovisional applications under
37 CFR 1.53(b)

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

See MPEP chapter 600 concerning utility patent application contents.

- | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------|------------------|----|--------------------------|----------------------------------------------------------------------------------------|
| 1. | <input checked="" type="checkbox"/> | Fee Transmittal Form
<i>(Submit an original, and a duplicate for fee processing)</i> | | 6. | <input type="checkbox"/> | Microfiche Computer Program (Appendix) |
| 2. | <input checked="" type="checkbox"/> | Specification
<i>(preferred arrangement set forth below)</i> | [Total Pages 90] | 7. | | Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> |
| <ul style="list-style-type: none"> - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D | | | | | | |
| | | | | | a. | <input checked="" type="checkbox"/> Computer Readable Copy |
| | | | | | b. | <input checked="" type="checkbox"/> Paper Copy (identical to computer copy) |
| | | | | | c. | <input checked="" type="checkbox"/> Statement verifying identity of above copies |

ACCOMPANYING APPLICATION PARTS

- | | | | |
|-----|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 8. | <input type="checkbox"/> | Assignment Papers (cover sheet & document(s)) | |
| 9. | <input type="checkbox"/> | 37 CFR 7.33(b) Statement
(when there is an assignee) | <input type="checkbox"/> Power of Attorney |
| 10. | <input type="checkbox"/> | English Translation Document (if applicable) | |
| 11. | <input checked="" type="checkbox"/> | Information Disclosure
Statement (IDS)/PTO-1449 | <input checked="" type="checkbox"/> Copies of IDS Citations |
| 12. | <input checked="" type="checkbox"/> | Preliminary Amendment | |
| 13. | <input checked="" type="checkbox"/> | Return Receipt Postcard (MPEP 503) (Should be
specifically itemized) | |
| 14. | <input type="checkbox"/> | Small Entity
Statement(s) | <input type="checkbox"/> Statement filed in prior
application, Status still
proper and desired |
| 15. | <input type="checkbox"/> | Certified Copy of Priority Document(s) (if foreign
priority is claimed) | |
| 16. | <input checked="" type="checkbox"/> | Other: Submission of Claims 62-91 in International
Application No. PCT/US99/16031; and Petition to Make
Special Under 37 C.F.R. §1.102(d) - Statement
Alleging Infringement | |

3. ☐ Drawing(s) (35 USC 113) ☐ [Total Sheets] ☐ 1
4. ☐ Oath or Declaration ☐ [Total Pages] ☐ 3 ☐ 1
- ☐ Newly executed (original or copy)
- ☒ X Copy from a prior application (37 CFR 1.63(d)) for continuation/divisional with Box 17 completed) **[Note Box 5 below]**
- i. ☐ **DELETION OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d) (2) and 1.33(b).
5. ☒ X Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation	X	Divisional		Continuation-in-part (CIP) of prior application No:
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09/744,431 filed 01/22/01 which is the National Phase Application of PCT/US99/16031 filed July 15, 1999 which claims the benefit of Provisional Applications 60/093,906 filed July 23, 1998; 60/094,611 filed July 30, 1998; 60/094,767 filed July 31, 1998; 60/098,711 filed Sept. 1, 1998; and 60/100,696 filed September 17, 1998.

18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

or

Correspondence
address below

(Insert Customer No. Or Attach bar code label here)

	Eli Lilly and Company
ADDRESS	Lilly Corporate Center

Patent Division DC: 1104

CITY	Indianapolis	STATE	Indiana	ZIP CODE	46285
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COUNTRY	U.S.A.	TELEPHONE	317-277-8110	FAX	317-276-3861
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SUBMITTED BY		Complete (if applicable)
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Typed or Printed Name	James J. Kelley	Reg. Number	41,888
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Printed Name			11/2000
Signature	James J. Kelley	Date	9 August 2001

"Express Mail" mailing label number
Date of Deposit EM564070246US

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Printed Name _____

Signature _____

Please type a plus sign (+) inside this box → ☐

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FEE TRANSMITTAL

Note: Effective November 10, 1997.

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT \$710.00

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 05-0840
Deposit Account Name Eli Lilly and Company

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$710)

CLAIMS

2. CLAIMS		Extra	Fee from	Fee Paid
Total		a	below	
Claims	12	-20**=	0	X 18 = 0
Independent	1	-3**=	0	X 80 = 0
Claims				
Multiple Dependent Claims		0	X 270 = 0	
(first time)				

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	39	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
109	78	209	39	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Typed or Printed Name James J. Kelley

Signature *James J. Kelley*

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Date of Deposit Aug 10, 2001

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Printed Name QUEEN THOMAS

Signature *Queen Thomas*

Complete if Known

Application Number

Filing Date

First Named Inventor

Hoffmann, James A

Group Art Unit

Examiner Name

Attorney Docket Number

X-12383N

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,240	241	620	Petition to revive-unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design Issue Fee	
144	580	244	290	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

Complete (if applicable)

Reg. Number 41,888

Date 9 August 2001

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Date of Deposit	Aug. 10, 2001
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QUEEN THOMAS	Queen Thomas
Printed Name	Signature

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James A. Hoffmann)
 Jirong Lu)
 For : FSH Formulation)
 Docket No. : X12383N)

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 C.F.R. 1.821(f) (SEQUENCE LISTING)

Assistant Commissioner for Patents
 Washington, D. C. 20231
 Sir:

I hereby affirm that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

James J. Kelley

James J. Kelley
 Attorney/Agent for Applicants
 Registration No. 41,888
 Phone: 317-277-8110

Eli Lilly and Company
 Patent Division/JJK
 Lilly Corporate Center
 Indianapolis, Indiana 46285

9 August 2001

0952169 081001

"Express Mail" mailing label number EM564070246US

Date of Deposit Aug 10, 2001

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QUEEN THOMAS
Printed Name

Queen Thomas
Signature

PATENT APPLICATION IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

The Accompanying Application

Applicants : Hoffmann, James A. and Lu, Jirong

For : FSH FORMULATION

Docket No. : X-12383N

SUBMISSION OF DOCUMENTS CLARIFYING CLAIMS 62-91 IN
INTERNATIONAL APPLICATION NO. PCT/US99/16031

Assistant Commissioner for Patents

Washington, D. C. 20231

Sir:

The accompanying application is a divisional application of U.S. Serial No. 09/744,431, which itself is the national stage application of International Application No. PCT/US99/16031. Attached are three documents that Applicants submit to clarify claim numbering, and thereby hopefully to avoid delay in prosecuting the present divisional application.

Claims 1-61 were filed originally in the International Application. Claims 62-91 were added by Amendment under Article 34(2)(b) in the International Application. In response to the Written Opinion, Applicants canceled Claims 6, 25, 40-44, 60, 68, 69, 89, and 90, leaving Claims 1-5, 7-24, 26-39, 45-59, 61-67, 70-88 and 91 remaining in the application. Applicants canceled all claims remaining in the International Application, and requested entry of new

Claims 92-140 by Preliminary Amendment in the parent application (U.S. Serial No. 09/744,431).

In the accompanying divisional application, Applicants cancel Claims 92-140 and add Claims 141-152 by Preliminary Amendment.

The Office recently questioned whether Claims 62-91 were ever in the parent application or International Application. To demonstrate that Claims 62-91 were indeed in the parent application and International Application, Applicants submit the following three attached documents, which are part of the record for the International Application:

1. AMENDMENT UNDER ARTICLE 34(2)(b), which shows the submission of Claims 62-91;
2. PCT WRITTEN OPINION covering Claims 1-91;
3. INTERNATIONAL PRELIMINARY EXAMINATION REPORT (IPER), which is written for Claims 1-91 and which has a complete set of Claims 1-91.

Applicants respectfully assert that the three documents clearly show that Claims 62-91 came into the International Application with Amendment under Article 34(2)(b) and were treated by the Examiner as having been accepted into the application.

In conclusion, Applicants submit three documents to show how Claims 62-91 were introduced into the International Application and parent application from which this application is being filed as a divisional case. This will hopefully avoid delay in determining whether the claim numbering in this application is appropriate.

No response to this submission is needed.

Hoffmann, James A. and Lu, Jirong
FSH FORMULATION
Docket X-12383N

Respectfully submitted,

James J. Kelley

James J. Kelley
Attorney for Applicants
Registration No. 41,888
Phone: 317-277-8110

Eli Lilly and Company
Patent Division/JAH
Lilly Corporate Center
Indianapolis, Indiana 46285

9 August 2001